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STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1296 XLIV).

[9 February 1993]

Ratification of the International Covenant on Civil and Political Rights by the United States

1. It may be that there will be an addendum to the Secretary-General's useful report of 31 December 1992 under agenda item 17 (E/CN.4/1993/69). As of this date however, it seems appropriate to note that the United States is now a State party to the International Covenant on Civil and Political Rights, and the initial United States report to the Human Rights Committee will be due this year, in September.

2. The ratification process (involving as it did the United States Senate) covered a period of 15 years; most observers have, of course, welcomed the final "victory".

3. During the present session of the Commission on Human Rights there may be confusion, and perhaps controversy too, regarding the articulation by the United States of five reservations, five understandings, four declarations and one "proviso". They are comprehensive, and possibly they are also relevant to resolution 1992/3 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

4. With respect to the International Covenants, the Commission, in paragraph 6 of its resolution 1992/14, recommended to all States parties that they "periodically review any reservations made ... to ascertain whether they should be maintained". Might it be appropriate for the United States, now that issues as to formal approval of the International Covenant on Civil and Political Rights have been resolved nationally, to report to the Commission its current views, from the perspective of a State Member of the United Nations, on whether its total package of reservations, understandings and declarations plus proviso is consistent with the object and purpose of the Covenant? Some observers suggest that only an advisory opinion of the International Court of Justice could authenticate the allegedly inconsistent clauses.